



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

ORDER SUSTAINING TWENTY-SECOND OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF DOCUMENTATION EXCEPT AS TO CLAIM 10725-02482 FILED BY DON P. MARSHALL TRUST

Hearing Date: October 19, 2009

Time: 3:00 p.m.

The USACM Liquidating Trust (the "USACM Trust") filed its Twenty-Second Omnibus Objection to Claims for Lack of Documentation [DE 7260] (the "Objection") on

¹ This bankruptcy case was closed on September 23, 2008

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

January 7, 2008. Appropriate notice of the Objection was given. Response to the Objection was raised as follows:

- Don P. Marshall ("Claimant") provided documentation to support Proof of Claim No. 10725-02482. Accordingly, the USACM Trust withdrew the Objection as to that claim on August 17, 2009 [DE 7336]. Claimant's claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on October 19, 2009, at 3:00 p.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Twenty-Second Omnibus Objection to Claims for Lack of Documentation; and

- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
Rob Charles
John Hinderaker (pro hac vice)
Attorneys for USACM Liquidating Trust

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#018024)

Rob Charles

John Hinderaker (*pro hac vice*)

Attorneys for USACM Liquidating Trust

USACM Liquidating Trust

**PROOFS OF CLAIM THAT LACK SUPPORTING DOCUMENTATION
TWENTY-SECOND OMNIBUS OBJECTION**

Claim	Name	Address	Claim Amount
10725-02344	Boyce, Kathleen	3270 Piazzo Circle Reno, NV 89502	-
10725-02482	Don P Marshall Trust Dated 7/18/95	C/O Don P Marshall Trustee 221 Chiquita Rd Healdsburg, CA 95448-9055	200,000.00
10725-02555	Everett H Johnston Family Trust Dtd 1/24/90	C/O Everett H Johnston Trustee Po Box 3605 Incline Village, NV 89450-3605	423,369.64
10725-02561	Everett H Johnston Family Trust Dtd 1/24/90	C/O Everett H Johnston Trustee Po Box 3605 Incline Village, NV 89450-3605	461,684.00